

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001	03 MDL 1570 (GBD) (FM)
--	------------------------

This document relates to: *All Actions*

**Plaintiffs' Opposition to "Notice of Filing of Medical Report of Defendant Dr. Abdullah Al-Turki's Physician" [ECF No. 4093] and to Defendant Al-Turki's Application to File His Physician's Medical Report Under Seal [ECF No. 4094]**

The Plaintiffs' Executive Committees ("PECs"), for all Plaintiffs, oppose Defendant Turki's Notice of Filing (ECF No. 4093) and his application to file his doctor's report under seal (ECF No. 4094). Plaintiffs are not opposing the notice and application for any reason relating to whether the document at issue should be under seal, but rather because the document that Defendant Turki is offering should not be filed at all. On their face, neither the notice nor the application to file under seal indicate that the document at issue is offered in support of or in opposition to any application. Although the PECs have not yet received the document, we understand that the document may relate to Defendant Turki's pending application for a protective order, for which briefing was concluded on August 8, 2018. *See* ECF Nos. 4076 (setting deadlines) and 4088-89 (Plaintiffs' opposition).

Defendant Turki filed his application for a protective order on July 27, 2018, and (as his notice makes clear) deliberately omitted from the filing the medical record that he now seeks to include. At Plaintiffs' request, the Court directed Plaintiffs to respond to that application by August 8, 2018, and included in its endorsement the comment that "No reply is requested" regarding the application for the protective order. ECF No. 4076. On August 8, 2018, Plaintiffs opposed that application based on the then-existing record, understanding that the record was complete. Only

after receiving Plaintiffs' opposition, counsel for Defendant Turki sought to expand the record by adding a document that he clearly was aware of and deliberately omitted from the record.

Because the document that Defendant Turki is proposing to file under seal was intentionally omitted from the record and would belatedly expand the record after briefing is closed, Plaintiffs ask that the Court reject Defendant Turki's notice and deny his application to file under seal.

Dated: August 10, 2018

Respectfully Submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers, Esq.  
Robert T. Haefele, Esq.  
MOTLEY RICE, LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, SC 29465  
Tel: (843) 216-9000

/s/ Sean P. Carter

Sean P. Carter, Esq.  
J. Scott Tarbutton, Esq.  
COZEN O'CONNOR  
1650 Market Street, Suite 2800  
Philadelphia, PA 19103  
Tel: (215) 665-2000

/s/ James P. Kreindler

James P. Kreindler, Esq.  
Andrew J. Maloney, III, Esq.  
KREINDLER & KREINDLER, LLP  
750 Third Avenue, 32nd Floor  
New York, NY 10017  
Tel: (212) 687-8181

/s/ Jerry S. Goldman

Jerry S. Goldman, Esq.  
ANDERSON KILL P.C.  
1251 Avenue of the Americas  
New York, NY 10020  
Tel: (212) 278-1000

Plaintiffs Executive Committees on behalf of all Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the accompanying document, Plaintiffs' Opposition to "Notice of Filing of Medical Report of Defendant Dr. Abdullah Al-Turki's Physician" [ECF No. 4093] and to Defendant Al-Turki's Application to File His Physician's Medical Report Under Seal [ECF No. 4094], was filed electronically this 10th day of August 2018. Notice of this filing will be served upon all parties in 03 MDL 1570 by operation of the Southern District of New York's Electronic Case Filing ("ECF") system, which all parties may access.

/s/ Robert T. Haefele  
Robert T. Haefele, Esq